

04-07-05

office petition

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of: VARRIANO-MARSTON, Elizabeth

Group Art Unit: 1772

Serial No. 09/877,757

Examiner: Patterson, Marc

Filed: 06/08/2001

Atty. Dkt. No: MARS93-DIV

For: REGISTERED MICROPERFORATED FILMS FOR MODIFIED/CONTROLLED  
ATMOSPHERE PACKAGINGTo: Mail Stop 313(c)  
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CERTIFICATE OF MAILING 37 CFR 1.10: I certify that this correspondence is being deposited on the below date with the U.S. Postal Service with sufficient postage as EXPRESS MAIL POST OFFICE TO ADDRESSEE addressed to: Mail Stop 313(c), Commissioner for Patents, PO Box 1450, Alexandria, VA22313-1450.

Date: 04/06/2005

[x] Debra A. Stengel or [ ] Scott L. Asmus, Reg. No. 42,269

Dear Honorable Commissioner:

PETITION UNDER RULE 37 CFR §1.313

The Applicant respectfully requests that the above-identified patent application be withdrawn from issuance for the reasons set forth herein. Applicant also respectfully requests the Office to accept the Request for Continued Examination (RCE) filed concurrently with this Petition.

Enclosed herein are the following:

- 1) 3 pages Petition to Withdraw from Issuance and statements with reasons why withdrawal of the application from issuance is necessary;
- 2) 3 pages Request for Continued Examination (RCE) PTO/SB/30 and RCE Transmittal;
- 3) 1 page Credit Card Payment Form PTO-2038, covering Petition fee & RCE fee;
- 4) 2 pages Information Disclosure Statement;
- 5) 2 pages Forms SB/08A, SB08B; and
- 6) Eight (8) references.

S/N 09/877,757, Atty. Dkt No. MARS93-DIV 1

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